

REMARKS

Claims 1 through 32 remain in the Application.

103 REJECTIONS

Claims 1 - 6, 8 - 11, 13 -17, 19- 28 - 29, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oh (US Patent No.6,771,250) in view of Kato (US patent No. 6,297,795) and Griffin et al. (6,297,795). Applicant respectfully asserts that the present invention is neither shown nor suggested by the Oh reference, the Kato reference and/or the Griffin reference alone or together.

Applicant respectfully submits that the present invention as recited in Claim 1, is neither shown nor suggested by the Oh reference. Specifically the present invention, as set forth in each and every newly amended independent Claim, recites in part:

... plurality of buttons in communication with said processor,
wherein one of said plurality of buttons is a dedicated home button for
accessing a home application.

To the extent the Oh reference may mention a multi-point switch [Col. 3 lines 22 - 25],

Applicant respectfully asserts the Oh reference does not teach a jog dial wheel for

accessing and activating an application as claimed in the present Application. The present Office Action acknowledges the Oh reference does not teach a memory having RAM or ROM and a plurality of buttons in communication with a processor. Applicant respectfully asserts the Kato et al. reference does not overcome these and other shortcomings of the Oh reference.

Applicant respectfully asserts the Griffin et al., Oh reference and Kato et al. references do not teach one of the applications is a *communications application* and a jog dial is utilized to access and *activate* said communications application.

The present Office Action it would have been obvious to a person of ordinary skill in the art to modify Oh with the teaching of Kato et al. To the extent the Kato et al. reference may mention a clicking operation can be performed by pressing the rotary switch for selection of an a menu item [Col 9 lines 20 – 25], Applicant respectfully asserts the Kato et al. reference does not teach activating an application. In addition, Applicant respectfully asserts the Kato et al. reference does not teach a plurality of buttons in communication with a processor. Applicant also respectfully asserts a person of ordinary skill in the art would not find a motivation or suggestion to combine the Oh and Kato et al. references.

The present Office Action alleges the Griffin et al. reference teaches a portable electronic device comprising a plurality of buttons (901-906) in communication with a the processor (400) [Figures 1 – 3, Col. 6 lines 1 – 13 and Col. 7 lines 14 – 29]. Applicant respectfully asserts the Griffin et al. reference does not overcome the shortcomings of the Oh and Kato et al. references. To the extent the Griffin et al. reference may mention a plurality of letter keys 901 and specialized alt key 902, cap key 930 and backspace key 905, Applicant respectfully asserts the Griffin et al. reference does not teach a plurality of buttons wherein one of the plurality of buttons is a dedicated home button.

In addition, to the extent the Griffin et al. reference may mention depression of a key on the keyboard in conjunction (emphasis added) with input from the thumbwheel [Col.9 lines 10 – 13] and a user may cycle through the data by pressing a control key and (emphasis added) rolling the thumbwheel [Col. 14 lines 7 – 10], Applicant respectfully asserts the Griffin et al. reference does not teach a jog dial for accessing and activating one of said applications. In addition, to the extent the Griffin et al. reference may mention when the cursor is positioned over the desired item, the user can select it by pressing the Enter key [Col. 14 lines 33 – 35], Applicant respectfully asserts the Griffin et al. reference teaches away from a jog dial for accessing and activating one of the applications. Applicant respectfully asserts pressing the Enter key to select an item teaches away from a jog dial for accessing and activating one of the applications.

Furthermore, Applicant also respectfully asserts a person of ordinary skill in the art would not find a motivation or suggestion to combine the *teaching away* Griffin et al. reference with the Oh and Kato et al. references.

Applicant respectfully asserts Claims 2 – 10 are allowable as depending from allowable independent Claim 1.

With respect to Claims 2, to the extent the Kato reference may mention a clicking operation can be performed by pressing the rotary switch and the clicking operation can be assigned to *selection* of a menu item and pressing is a operation whereby the rotary switch is continuously pressed for a predetermined period [Col. 9 lines 20 - 30], Applicant respectfully asserts the Kato reference does not teach the jog dial *accesses* the application list when depressed longer than a specific duration of time

With respect to Claim 9, to the extent the Kato reference may mention a pressure sensor effectuating program selection [Col. 8 lines 61 – 68] and when a rotary switch is depressed once more while the menu focus is place on a desired item the highlighted menu item is *selected* [Col. 11 lines 13 – 15], Applicant respectfully asserts the Kato reference does not teach *activation* occurs when the jog dial is *depressed after* said *selection* is made.

With respect to Claim 11, the present Office Action acknowledges the Oh reference does not teach a plurality of buttons in communication with the processor. In addition, Applicant respectfully asserts the Oh reference does not teach receiving input from a plurality of buttons, wherein one of said plurality of buttons is a dedicated home button for accessing a home application. Applicant respectfully asserts the Griffin et al. reference does not overcome the shortcomings of the Oh and Kato et al. references. To the extent the Griffin et al. reference may mention a plurality of letter keys 901 and specialized alt key 902, cap key 930 and backspace key 905, Applicant respectfully asserts the Griffin et al. reference does not teach a plurality of buttons wherein one of the plurality of buttons is a dedicated home button for accessing a home application.

Applicant respectfully asserts the Griffin et al., Oh reference and Kato et al. references do not teach one of the applications is a cellular telephone application.

To the extent the Kato reference may mention a clicking operation can be performed by pressing the rotary switch and the clicking operation can be assigned to *selection* of a menu item and pressing is a operation whereby the rotary switch is continuously pressed for a predetermined period [Col. 9 lines 20 - 30], Applicant respectfully asserts the Kato reference does not teach presenting an application list

comprising a plurality of application identifiers on a display when said jog dial is depressed for at least a specific amount of time.

Applicant respectfully asserts Claims 12 – 20, are allowable as depending from allowable independent Claim 11.

With respect to Claim 13, to the extent the Kato et al. reference may mention a pressure sensor effectuating program selection [Col. 8 lines 61 – 68] and when a rotary switch is depressed once more while the menu focus is place on a desired item the highlighted menu item is *selected* [Col. 11 lines 13 – 15], Applicant respectfully asserts the Kato et al. references does not teach *activating* the application is performed after the jog dial is depressed a predetermined number of times.

With respect to Claim 14, to the extent the Kato reference may mention a clicking operation can be performed by pressing the rotary switch and the clicking operation can be assigned to *selection* of a menu item and pressing is a operation whereby the rotary switch is continuously pressed for a predetermined period [Col. 9 lines 20 - 30], Applicant respectfully asserts the Kato reference does not teach a user depresses the jog dial for a specified period of time to *activate* an application.

With respect to Claim 17, to the extent the Kato reference may mention when a rotary switch is depressed one more while the menu focus is place on a desired item the highlighted menu item is *selected* [Col. 11 lines 13 – 15], Applicant respectfully asserts the Kato reference does not teach a user depresses a jog dial again when a desired application is highlighted and the desired application is *activated*.

With respect to Claim 21, the present Office Action acknowledges the Oh reference does not teach a memory having RAM or ROM and a plurality of buttons in communication with a processor. Applicant respectfully asserts the Kato et al. reference does not overcome these and other shortcomings of the Oh reference.

To the extent the Kato et al. reference may mention a clicking operation can be performed by pressing the rotary switch for selection of an a menu item [Col 9 lines 20 – 25], Applicant respectfully asserts the Kato et al. reference does not teach activating an application. In addition, Applicant respectfully asserts the Kato et al. reference does not teach a plurality of buttons in communication with a processor. Applicant also respectfully asserts a person of ordinary skill in the art would not find a motivation or suggestion to combine the Oh and Kato et al. references.

Applicant respectfully asserts the Griffin et al. reference does not overcome the shortcomings of the Oh and Kato et al. references. To the extent the Griffin et al. reference may mention a plurality of letter keys 901 and specialized alt key 902, cap key 930 and backspace key 905, Applicant respectfully asserts the Griffin et al. reference does not teach a plurality of buttons wherein one of the plurality of buttons is a dedicated home button.

In addition, to the extent the Griffin et al. reference may mention depression of a key on the keyboard in conjunction (emphasis added) with input from the thumbwheel [Col.9 lines 10 – 13] and a user may cycle through the data by pressing a control key and (emphasis added) rolling the thumbwheel [Col. 14 lines 7 – 10], Applicant respectfully asserts the Griffin et al. reference does not teach a jog dial for accessing and activating one of said applications. In addition, to the extent the Griffin et al. reference may mention when the cursor is positioned over the desired item, the user can select it by pressing the Enter key [Col. 14 lines 33 – 35], Applicant respectfully asserts the Griffin et al. reference teaches away from a jog dial for accessing and activating one of the applications. Applicant respectfully asserts pressing the Enter key to select an item teaches away from a jog dial for accessing and activating one of the applications. Furthermore, Applicant also respectfully asserts a person of ordinary skill in the art

would not find a motivation or suggestion to combine the *teaching away* Griffin et al. reference with the Oh and Kato et al. references.

Applicant respectfully asserts the Griffin et al., Oh reference and Kato et al. references do not teach accessing and activation allow a plurality of said applications to be open concurrently.

Applicant respectfully asserts the Griffin et al., Oh reference and Kato et al. references do not teach one of the applications is a *communications application* and a jog dial is utilized to access and *activate* the communications application.

The present Office Action acknowledges the Oh reference as modified fails to disclose the application list includes a cancel indicator for cancelling an access.

Applicant respectfully asserts the Garthwaite et al. reference does not overcome these and other shortcomings of the Oh reference, the Kato reference and the Griffin reference. To the extent the Garthwaite et al. reference may mention and show and a screen displays a drop down box *for selecting a ballpoint orientation option* and the drop down box has a cancel icon *for cancelling a rotation choice* [Figure 61 and Col 24 line 45 to Col. 25 line 47], Applicant respectfully asserts the Garthwaite et al. reference does not teach an *application list* includes a cancel indicator *for canceling an access*

when said jog dial is depressed. To the extent the Garthwaite et al. reference may mention and show and a screen with a start command 704 to permit the user to configure the pointing device, an okay symbol 708 for storing a user selected ball rotation, and a cancel icon 706 for cancelling a rotation choice [Figure 61 and Col 24 line 45 to Col. 25 line 47], Applicant respectfully asserts the Garthwaite et al. reference does not teach an *application* list includes a cancel indicator *for canceling an access*.

The present Office Action acknowledges the Oh reference fails to disclose a presentation of the application list occurs while an application is active. Applicant respectfully asserts the Takagi et al. reference does not overcome these and other shortcomings of the Oh reference. To the extent the Takagi et al. reference may mention the icons F1 to F10 *indicate* various *devices* for performing the inputting and outputting of the documents [Col. 3 lines 20 – 24], Applicants respectfully assert the Takagi et al. reference does not teach a list of *applications*. In addition, to the extent the Takagi et al. reference may mention a *single* application of document transfer [Col. 3 lines 41 – 44, Col. 4 lines 42 -45, Col. 5 line 15, and Figures 1 – 7], Applicants respectfully assert the Takagi et al. reference does not teach allowing a *plurality* of the applications to be open concurrently.

Applicant respectfully asserts Claims 22- 27 are allowable as depending from allowable independent Claim 21.

With respect to Claim 28, the present Office Action acknowledges the Oh reference does not teach a plurality of buttons in communication with the processor. Applicant respectfully asserts the Griffin et al. reference does not overcome the shortcomings of the Oh and Kato et al. references. To the extent the Griffin et al. reference may mention a plurality of letter keys 901 and specialized alt key 902, cap key 930 and backspace key 905, Applicant respectfully asserts the Griffin et al. reference does not teach a plurality of buttons wherein one of the plurality of buttons is a dedicated home button for accessing a home application. Furthermore,

Applicant respectfully asserts the Griffin et al., Oh reference and Kato et al. references do not teach, one of the applications is a *communications application*.

Applicant respectfully asserts Claims 29 – 32 are allowable as depending from allowable independent Claim 28.

Claims 7, 18 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oh (US Patent No.6,771,250) in view of Kato (US patent No. 6,297,795) Griffin et al.

(6,297,795) and Garthwaite et al (5,504,500). Applicant respectfully asserts that the present invention is neither shown nor suggested by the Oh reference, the Kato reference, the Griffin reference and/or the Garthwaite et al. reference alone or together in combination.

With respect to Claims 7, 18 and 31, the present Office Action acknowledges the Oh reference as modified fails to disclose the application list includes a cancel indicator for cancelling an access. Applicant respectfully asserts the Garthwaite et al. reference does not overcome these and other shortcomings of the Oh reference, the Kato reference and the Griffin reference. In addition, Applicant respectfully asserts one of ordinary skill in the art would not find a motivation or suggestion to combine the Oh reference, the Kato reference, the Griffin et al. and the Garthwaite et al. reference.

With respect to Claim 7, to the extent the Garthwaite et al. reference may mention and show and a screen displays a drop down box *for selecting a ballpoint orientation option* and the drop down box has a cancel icon *for cancelling a rotation choice* [Figure 61 and Col 24 line 45 to Col. 25 line 47], Applicant respectfully asserts the Garthwaite et al. reference does not teach an *application list* includes a cancel indicator *for canceling an access* when said jog dial is depressed. To the extent the Garthwaite et al. reference may mention and show and a screen with a start command 704 to permit

the user to configure the pointing device, an okay symbol 708 for storing a user selected ball rotation, and a cancel icon 706 for cancelling a rotation choice [Figure 61 and Col 24 line 45 to Col. 25 line 47], Applicant respectfully asserts the Garthwaite et al. reference does not teach an *application* list includes a cancel indicator *for canceling an access*.

With respect to Claim 18, to the extent the Garthwaite et al. reference may mention and show and a screen displays a drop down box *for selecting a ballpoint orientation option* and the drop down box has a cancel icon *for cancelling a rotation choice* [Figure 61 and Col 24 line 45 to Col. 25 line 47], Applicant respectfully asserts the Garthwaite et al. reference does not teach *canceling* an application *activation*.

With respect to Claim 31, to the extent the Garthwaite et al. reference may mention and show and a screen displays a drop down box for selecting a ballpoint orientation option and the drop down box has a cancel icon for cancelling a rotation choice [Figure 61 and Col 24 line 45 to Col. 25 line 47], Applicant respectfully asserts the Garthwaite et al. reference does not teach a cancel identifier for canceling the operating system function access and application activities.

Claims 7, 12, 18, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oh (US Patent No.6,771,250) in view of Kato (US patent No.

6,297,795) Griffin et al. (US Patent No. 6,297,795) and Takagi et al (US Patent No. 4,885,704). Applicant respectfully asserts that the present invention is neither shown nor suggested by the Oh reference, the Kato reference, the Griffin reference and/or the Takagi et al. reference alone or together in combination.

The present Office Action acknowledges Oh as modified fails to disclose the application list includes a cancel indicator for canceling an access and a presentation of the application list occurs while and application is active. Applicant respectfully asserts the Takagi et al. reference does not overcome these and other shortcomings of the Oh reference, the Kato reference and the Griffin et al. reference. In addition, Applicant respectfully asserts one of ordinary skill in the art would not find a motivation or suggestion to combine the Oh reference, the Kato reference, the Griffin et al. reference and the Takagi et al. reference.

With respect to Claim 7, to the extent the Takagi et al. reference may mention a *single* application of document transfer [Col. 3 lines 41 – 44, Col. 4 lines 42 -45, Col. 5 line 15, and Figures 1 – 7], Applicants respectfully assert the Takagi et al. reference does not teach a list of *applications*. In addition, to the extent the Takagi et al. reference may mention the icons F1 to F10 *indicate* various *devices* for performing the inputting and outputting of the documents [Col. 3 lines 20 – 24], Applicants respectfully assert the

Takagi et al. reference does not teach a list of *applications*. Furthermore, to the extent the Takagi et al. reference may mention a cancel icon F10 that cancels designation of a device [Col. 5 lines 45 – 65] and *ends a document transfer* [Col. 6 lines 30 – 31, Col. 7 lines 1 – 3, Col. 7 lines 47 – 50], Applicant respectfully asserts the Takagi et al. reference does not teach an application list includes a cancel indicator for *canceling the access*. Applicant respectfully asserts stopping a document transfer does not teach a canceling an application access.

Furthermore, to the extent the Takagi et al. reference may mention that with F10 icon (Cancel) is designated the document filing apparatus can be returned to the initial state in step (f) [Col. 5 lines 48 – 50] and the state of step (a) is the same as the state of step (f) within the same document transfer application [Figure 8], Applicant respectfully asserts the Takagi et al. reference *teaches away* from a cancel indicator for *canceling the access*. Applicant respectfully asserts one of ordinary skill in the art would not find a motivation or suggestion to combine the teaching away of Takagi with the Oh reference.

With respect to Claim 12, to the extent the Takagi et al. reference may mention the icons F1 to F10 *indicate* various *devices* for performing the inputting and outputting of the documents [Col. 3 lines 20 – 24], Applicants respectfully assert the Takagi et al. reference does not teach a list of *applications*. In addition, to the extent the Takagi et al.

reference may mention a *single* application of document transfer [Col. 3 lines 41 – 44, Col. 4 lines 42 -45, Col. 5 line 15, and Figures 1 – 7], Applicants respectfully assert the Takagi et al. reference does not teach allowing a *plurality* of the applications to be open concurrently.

With respect to Claim 18, to the extent the Takagi et al. reference may mention a *single* application of document transfer [Col. 3 lines 41 – 44, Col. 4 lines 42 -45, Col. 5 line 15, and Figures 1 – 7], Applicants respectfully assert the Takagi et al. reference does not teach a list of *applications*. In addition, to the extent the Takagi et al. reference may mention the icons F1 to F10 *indicate* various *devices* for performing the inputting and outputting of the documents [Col. 3 lines 20 – 24], Applicants respectfully assert the Takagi et al. reference does not teach a list of *applications*. Furthermore, to the extent the Takagi et al. reference may mention a cancel icon F10 that cancels designation of a device [Col. 5 lines 45 – 65] and *ends a document transfer* [Col. 6 lines 30 – 31, Col. 7 lines 1 – 3, Col. 7 lines 47 – 50], Applicant respectfully asserts the Takagi et al. reference does not teach canceling an *application* activation. Applicant respectfully asserts stopping a document transfer does not teach a canceling an application activation.

Furthermore, to the extent the Takagi et al. reference may mention that with F10 icon (Cancel) is designated the document filing apparatus can be returned to the initial

state in step (f) [Col. 5 lines 48 – 50] and the state of step (a) is the same as the state of step (f) within the same document transfer application [Figure 8], Applicant respectfully asserts the Takagi et al. reference *teaches away* from a cancel indicator for canceling an *application activation*. Applicant respectfully asserts one of ordinary skill in the art would not find a motivation or suggestion to combine the teaching away of Takagi with the Oh reference.

With respect to Claim 29, to the extent the Takagi et al. reference may mention the icons F1 to F10 *indicate* various *devices* for performing the inputting and outputting of the documents [Col. 3 lines 20 – 24], Applicants respectfully assert the Takagi et al. reference does not teach an *operating function* list while another operating system function is already being performed.

With respect to Claim 31, to the extent the Takagi et al. reference may mention a cancel icon F10 that cancels designation of a device [Col. 5 lines 45 – 65] and *ends a document transfer* [Col. 6 lines 30 – 31, Col. 7 lines 1 – 3, Col. 7 lines 47 – 50], Applicants respectfully assert the Takagi et al. reference does not teach the operating system function list includes a cancel identifier for canceling the operating system function *access and application* activities.

CONCLUSION

In light of the above-listed amendments and remarks, Applicant respectfully request allowance of the remaining Claims. The examiner is urged to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

MURABITO, HAO & BARNES LLP

Date: 11/14 2007

A handwritten signature in cursive script, appearing to read "John F. Ryan", written over a horizontal line.

John F. Ryan
Reg. No. 47,050
Two North Market Street
Third Floor
San Jose, CA 95113
(408) 938-9060